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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,559	07/26/2002	Pi-Chen Chen	JCLA8738	1292

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J C PATENTS, INC.
4 VENTURE, SUITE 250
IRVINE, CA 92618

EXAMINER

LEE, CHEUKFAN

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/064,559	Applicant(s) CHEN, PI-CHEN	
	Examiner Cheukfan Lee	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/21/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. Applicant's election of invention III, claims 5 and 11, without traverse, is acknowledged.

Non-elected claims 1-4 and 6-10 have been canceled by the amendment filed March 7, 2006.

2. The specification is objected to because of the following:

Page 2, paragraph 0007, line 2, "display 600" should read – device 600 --.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Someya (U.S. Patent No. 4,952,972) in view of Applicant's admitted prior art.

Regarding claim 5, Someya discloses a color adjusting method for a light source in a color copying machine, the method comprising providing an adjusted color light source to replace the light source of the color copying machine, adjusted color being selected from a group consisting of red, green and blue colors. When it is detected that the light intensity of the red component (R component) of light emitted from the light source (23), which R component is already large (Fig. 4A), becomes even larger (Fig. 4B), the user is informed to change to a new light source (23), which inherently has an

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adjusted red color (col. 10, lines 25-41, col. 9, lines 49-59). Fig. 7 shows the image reading section of the color copying machine.

Someya differs from the claimed invention in that light source is in an image reading section of the color copying machine, while the light source of claimed is in an optical scan module which comprises the light source, a reflection mirror set, a lens set, and an optical detector. The image reading section (Fig. 7) of Someya, however, also is comprised of the light source (23), a reflection mirror set, a zoom lens (21) (which generally comprises a set of lenses), and an optical detector (CCD 25) (col. 7, line 63 – col. 8, line 6).

An optical scan module (700) comprising a light source (100), a reflection mirror set (400), a lens set (500) and an optical detector (600) is taught by Applicant's admitted prior art (Fig. 1, page 2 of the specification).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Someya and Applicant's admitted prior art by applying the concept of Someya in order to provide a color adjust method for a light source in a different type of machine having an optical scan module, such as in a flatbed scanner having the optical scan module moving in the subscanning direction during original scanning.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nagano (U.S. Patent No. 5,920,408) in view of Applicant's admitted prior art.

Regarding claim 11, Nagano discloses an optical scan module for scanning a document, the module comprising a light source (171, 172 or 173) for illuminating the document, a reflecting mirror (181), a lens (182), and an optical detector (183). The light source (171, 172 or 173) is selected from a group consisting of a red, a green and a blue color light source to radiate the document to obtain an imaging light.

Nagano differs from the claimed invention in that the Nagano disclose one mirror (181) instead of a mirror set, and a lens (182) instead of a lens set.

The structure of an optical scan module comprising a mirror set and a lens set, in addition to a light source and a mirror set, is taught by Applicant's admitted prior art (Fig. 1, page 2 of the specification).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the concept of Applicant's admitted prior art to modify the optical scan module of Nagano by employing a mirror set instead of one mirror and a lens set instead of one lens in order to lengthen the optical path within the scan module to produce a clear image while keeping the module as close to the document scanning window as possible to save space in the vertical direction.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Abe (U.S. Patent No. 5,126,856), col. 9

Nagano (U.S. Patent No. 4,691,228), Fig. 1

Sekizawa et al. (U.S. Patent No. 4,698,669), col. 8, lines 30-35

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (571) 272-7407. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cheukfan Lee
May 26, 2006


Cheukfan Lee